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REMARKS

The present response is to the Office Action mailed in the above-referenced case on March 21, 2006. Claims 16, 18, 19 and 21 are presented for examination. The Examiner has rejected claims 16 and 19 under 35 U.S.C. 112, first paragraph. The specification is objected to as failing to provide proper antecedent basis. Claims 16, 18, 19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wicks et al. (USPN 5,796,394) hereinafter Wicks in view of Boyer et al. (US 6,401,112 B1) hereinafter Boyer and further in view of McHann, Jr., (US 5,991,806) hereinafter McHann.

Applicant herein provides detailed arguments clearly showing where the references provided by the Examiner fail to teach or suggest all of the limitations as claimed in applicant's invention. Applicant also argues the 112 rejection is unfounded.

Regarding the 112 rejection the Examiner states that applicant's specification does not provide enablement for a code sent from the user computer to instruct a server to transmit emails directly to the portable device. The specification supports "a code is to the host server 120 indicating now the subscriber is in the field" on page 7, lines 28-29.

Applicant reproduces the enabling sentences below taken from the top of page 8 of applicant's electronic copy of the specification:

"Wireless transmitter 122 is connected to an update server 121 via a digital connection 105. Update server 121 is dedicated to providing updates of information to those subscribers who are out in the field. This arrangement assumes that when a subscriber is using playback device 110 in the field, a method for the determination of that particular state is known to host server 120. This may be accomplished, in one embodiment, by a signal sent to host server 120 from playback device 110 via wireless transmitter 122 through digital connection 105 to update server 121, and through digital connection 104. In another embodiment, playback device 110 has the capability of connecting to the Internet in much the same way as an Internet-capable cellular phone"

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using wireless technology. In yet another embodiment, a brief connection to the Internet is made from PC 123 when playback device 110 disengaged and a code is sent to host server 120 indicating that the subscriber is now in the field. Similarly, a code could be sent again when the subscriber reconnects playback device 110 to PC 123 indicating that playback device 110 is no longer in the field. In still another embodiment, up-dates may be sent simultaneously via the Internet and wireless transmission to subscribers regardless of whether or not they are in the field. It will be apparent to one with skill in the art that there are many different possibilities regarding the receiving of updated information to playback device 110 without departing from the spirit and scope of the present invention, many of which have already been described."

Clearly the above teaching from applicant's specification teaches that the user's computer sends code to a server upon disconnect of the portable device to redirect information updates, which includes incoming email as disclosed on page 10, lines 1-12 of applicant's specification. The 112 rejection asserted by the Examiner is therefore unfounded.

The Examiner admits that Wicks fails to teach a portable playback device enabled for connection to a user computer and receiving the emails transmitted by the transmission facility and to display the emails as text to the user; wherein the server transmits emails to the user computer for download to the portable device via the network while the device is connected to the user computer, and upon disconnection of the portable device from the user computer the wireless transmission facility is instructed by code sent from the user computer to transmit the emails directly to the portable device.

The Examiner provides the art of Boyer to teach a portable device displaying the emails as text to the user (column 3, lines 51-57) and wherein a server transmits emails to the user computer for download to the portable device via the network while the device is connected to the user computer (column 5, lines 43-54).

The Examiner states Wicks does not specifically teach upon disconnection of the portable device from the user computer a server is instructed by code sent from the user

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computer. However, McHann taught upon disconnection of the portable device from the user computer a server is instructed by code sent from the user computer (column 14, lines 54-64). It would have been obvious to one of ordinary skill in the art at the time the invention was made that incorporating McHann's undocking code in Wick's personal communications routing system would have improved system robustness. The motivation would have been to provide more efficient management of system resources by releasing system resources when the portable device becomes undocked.

Boyer teaches a portable computer connected to a user's computer for sending email compositions and synchronizing messages from the user's computer to the portable computer. Boyer's portable device downloads email from the user's computer and pushes generated email to be sent by the user's computer when connected. Boyer fails to teach that the portable device receives email via a wireless device remote from the user's computer and displays the text to the user.

McHann is relied upon by the Examiner for sending code to a server upon disconnect of a laptop computer from a docking station. Applicant argues that McHann fails to teach upon disconnection of the portable device from the user computer the wireless transmission facility is instructed by code sent from the user computer to transmit the emails directly to the portable device. McHann receives a message from a docking station that the laptop is disconnected and closes files made available to the laptop while it was connected; the laptop now relies on its own files for remote operation.

Applicant argues that the Examiner has still failed to provide valid analogous art teaching applicant's claimed ability of receiving emails at the user's computer when the portable device is docked and redirecting emails to the user's portable device via a wireless transmission device when the device is not connected, as claimed.

Applicant's invention teaches and claims that the computer is the default receiving device when the portable playback device is connected. When disconnected, the computer instructs the server to send the email directly to the portable playback device. Applicant argues that the combined art of Wicks, Boyer and McHann fail to teach applicant's invention, as claimed, and the 103 rejection fails. Claims 16 and 19 are

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clearly patentable over the art as argued above. Claims 18 and 21 are patentable on their own merits, or at least as depended from a patentable claim.

As all of the claims standing for examination have been shown to be patentable over the art of record, applicant respectfully requests reconsideration, and that the present case be passed quickly to issue. If there are any time extensions needed beyond any extension specifically requested with this amendment, such extension of time is hereby requested. If there are any fees due beyond any fees paid with this amendment, authorization is given to deduct such fees from deposit account 50-0534.

Respectfully submitted,
Dan Kikinis

By Donald R. Boys
Donald R. Boys
Reg. No. 35,074

Central Coast Patent Agency, Inc.
P.O. Box 187
Aromas, CA 95004
(831) 726-1457